

TIGARD MUNICIPAL CODE

Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES*

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*Prior ordinance history: Ord. Nos. 96-02, 02-29.

12.03.010 Authority

All definitions, authority, rules, and regulations as described in Chapter 12.01, Utility Services Rules and Regulations, are applicable to this chapter. (Ord. 12-06 §1)

12.03.020 Definitions

A. Utility Charges. Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.

B. Delinquent. Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.

C. User. Any person who uses property which maintains connection to, discharge to, or otherwise receives services from the city's stormwater, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 12-06 §1)

12.03.030 Rates, Charges, Fees, Penalties, Collections

A. Clean Water Services Rates and Charges Resolution and Orders as amended and Ordinance Numbers 26, 27, 28, and 29 as

amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

B. Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

C. All fees and charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 12-06 §1)

12.03.040 Utility Charge Adjustments and Payment Agreements

When the finance director or designee determines that a billing error has occurred, the director or designee may authorize an adjustment of the customer's utility account for the period of the error, not to exceed one year from the date the error is identified. Adjustments will be in the form of credits or additional charges to active utility accounts.

Errors in billing or collection shall be corrected in a timely manner by the city. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:

In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements.

A. The finance director or designee shall have the authority to waive utility charges up to \$500. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include, but is not limited to, correction of user or account information, failure of the city to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include

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returned check charges, disconnection charges or utility charges.

B. The city manager or designee shall have the authority to waive utility charges up to \$2,500. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection A of this section. The city manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

C. The city may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of one three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. The city shall not enter into more than two payment agreements with a given customer in a one year period, beginning as of the date the first payment agreement is executed by the parties. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 12-06 §1)

12.03.050 Customer Appeal Process

Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the finance director within 14 days of the decision in writing explaining the issue and justification for the customer's position. Finance director decisions may be appealed to the city manager within 14 days of the decision in a similar fashion. City manager decisions may be appealed within 14 days of the decision to the City Council. Council decisions are considered final. (Ord. 12-06 §1)